

Act 8 of the Third Special Session of 1989.

Act 8

SB54

By: Senator Bearden

CALL ITEM 99

For An Act To Be Entitled  
"AN ACT TO AMEND ARK. CODE ANN. 25-19-105, THE FREEDOM OF  
INFORMATION ACT, TO CLARIFY THAT RECORDS OF THE ARKANSAS  
INDUSTRIAL DEVELOPMENT COMMISSION WHICH PERTAIN TO AIDC'S  
ECONOMIC DEVELOPMENT EFFORTS ARE EXEMPT FROM DISCLOSURE UNDER  
THE FREEDOM OF INFORMATION ACT; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code 25-19-105(b) is hereby amended to read as follows:

"(b) It is the specific intent of this section that the following shall not be deemed to be made open to the public under the provisions of this chapter:

- (1) State income tax records;
- (2) Medical records, scholastic records, and adoption records;
- (3) The site files and records maintained by the Arkansas Historic Preservation Program and the Arkansas Archeological Survey;
- (4) Grand jury minutes;
- (5) Unpublished drafts of judicial or quasi-judicial opinions and decisions;
- (6) Undisclosed investigations by law enforcement agencies of suspected criminal activity;
- (7) Unpublished memoranda, working papers, and correspondence of the Governor, Legislators, Supreme Court Justices, and the Attorney General;
- (8) Documents which are protected from disclosure by order or rule of court;
- (9)(A) Files which, if disclosed, would give advantage to competitors or bidders; and  
(B) Records maintained by the Arkansas Industrial Development Commission related to any business entity's planning, site location, expansion, operations, or product development/marketing, unless approval for release of such records is granted by the business entity; provided, however, this exemption shall not be applicable to any records of expenditures or grants made or administered by the Arkansas Industrial Development Commission and otherwise disclosable under the provisions of this Act; and
- (10) Personnel records to the extent that disclosure would constitute clearly unwarranted invasion of personal privacy."

SECTION 2. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 4. Emergency. It is hereby found and determined by the General Assembly that present law is unclear concerning the confidentiality of the records obtained by the Arkansas Industrial Development Commission in the recruitment of industry to this State, and the disclosure of such information

under the provisions of the Freedom of Information Act would seriously jeopardize other recruitment efforts of the Commission, since this information is given to the Commission under an agreement of confidentiality. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

APPROVED: November 1, 1989

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